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Attorneys for Defendant CITY OF BERKELEY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIARA ROBLES,

Plaintiff,

v.

IN THE NAME OF HUMANITY, WE
REFUSE TO ACCEPT A FASCIST
AMERICA (a.k.a. ANTIFA), CITY OF
BERKELEY, ET AL.,

Defendants.

No. 4:17-cv-04864 CW

**DEFENDANT CITY OF BERKELEY'S
OPPOSITION TO PLAINTIFF'S MOTION
TO RESET HEARING**

Plaintiff filed a "Motion to Reset Hearing." *See* ECF Doc. # 53. Plaintiff does not identify whether her motion is an administrative motion pursuant to Civil Local Rule 7-11, or a noticed motion pursuant to Civil Local Rule 7-1. Her motion is another example of plaintiff's counsel's failure to follow the Local Rules.

The substance of plaintiff's motion is a request that the Court reschedule the June 26, 2018 hearing on the City of Berkeley's Motion to Revoke Pro Hac Vice Status. On May 23, 2018, in response to the Court's Tentative Ruling on Motion to Revoke Pro Hac Vice (ECF Doc. # 49), plaintiff filed a request for hearing. *See* ECF Doc. # 50. In this request, plaintiff took the opportunity to accuse the Court of "extrajudicial bias" but failed to alert the Court to any upcoming dates on which plaintiff's counsel would not be available for the requested hearing. Plaintiff stated

only that, “Mr. Klayman looks forward to briefing these issues and attending the hearing.” *Id.* at 2:8.

Now that the Court has set a hearing on the motion to revoke pro hac vice for June 26, 2018, plaintiff’s counsel asks the Court to reset the hearing to another date prior to July 19, 2018, stating that he is “unavailable from June 25 to June 29 2018.” ECF Doc. 53 at 1:20-24.

Plaintiff’s counsel has not met and conferred with counsel for the City regarding her availability for a hearing between July 2 and July 19, 2018. Counsel for the City is not available from July 9 through July 13, and has depositions scheduled in other cases during the first week of July.

The City’s position is that counsel for plaintiff should either attend the hearing on June 26, 2018, as scheduled, or meet and confer with the other parties in the case to determine a date when all parties and the Court are available. If counsel for plaintiff is not available to attend the hearing on June 26, 2018, the Court could also decide to simply adopt the tentative ruling without a hearing.

CONCLUSION

For all of the foregoing reasons, the Court should deny plaintiff’s “Motion to Reset Hearing.”

Dated: June 7, 2018

Respectfully submitted:

BERKELEY CITY ATTORNEY’S OFFICE

By: /s/ Lynne S. Bourgault
LYNNE S. BOURGAULT
Attorneys for Defendant